

Oregon Public Defense Commission

**Rulemaking –
OPDC Board
Participation**

Dacia Smith, Rules and Record Retention Coordinator

April 2, 2026

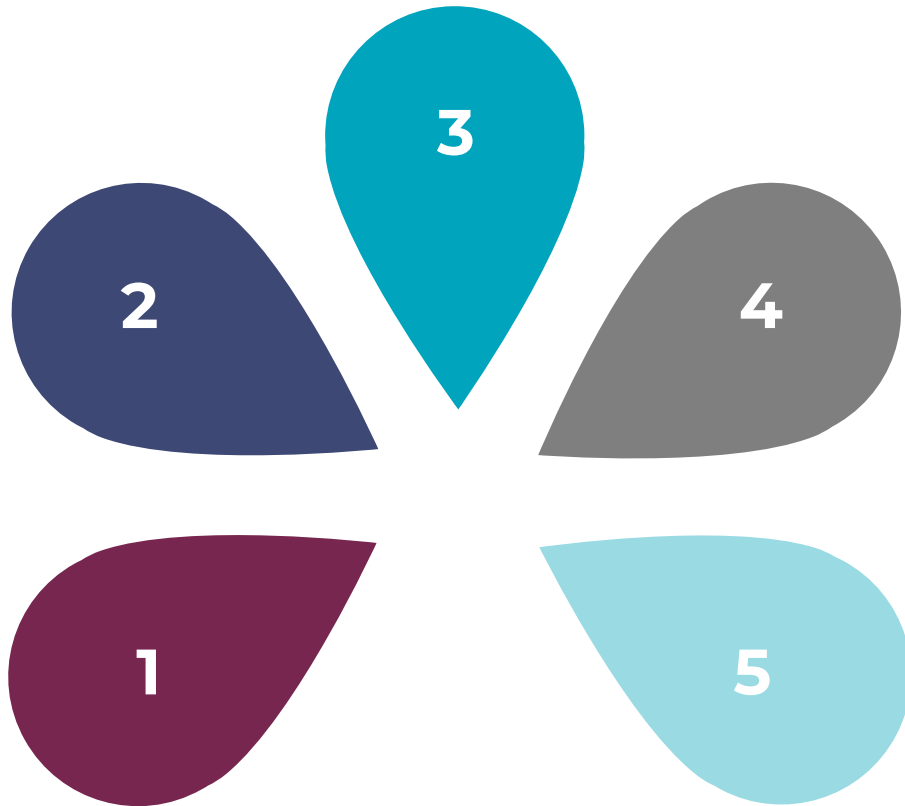




Rulemaking - OPDC Board Participation

- **Board Check Points**
- **Revised Timeline**
- **Board Awareness:**
 - **Uniform and Model Rules of Procedure**
 - **Delegation of Authority**

Rulemaking Board Check Points



Board Awareness – Commission Meeting

Rule concepts will be shared with the Board.

Subject Matter Expert; Rule Development

Draft rules with feedback and involvement from key partners.

Vote to Open Rule – Board Action

Propose a motion for vote to open proposed rulemaking.

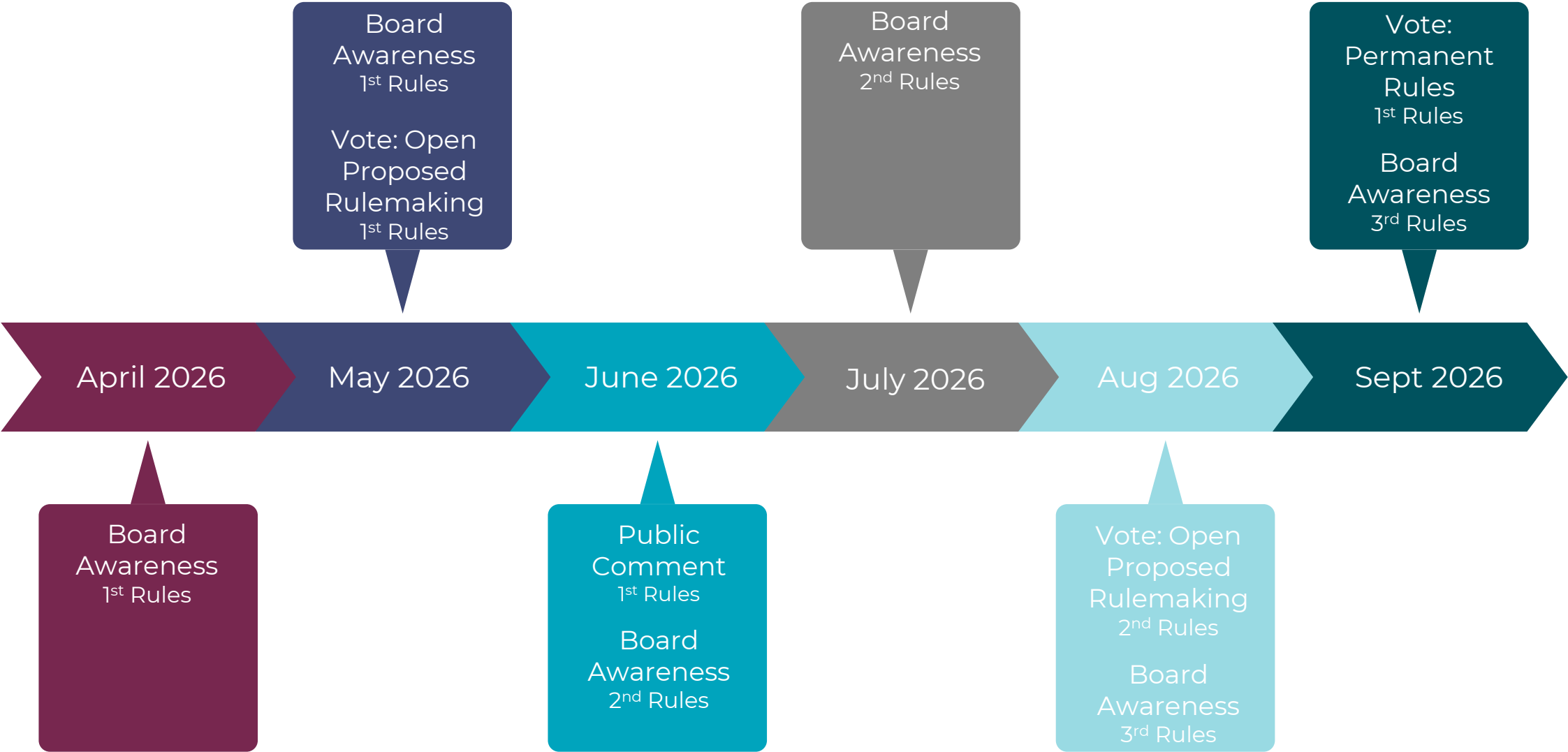
RAC and Public Comment – Commission Meeting

Written report of all comments and agency response.

Vote to Adopt Permanent Rules – Board Action

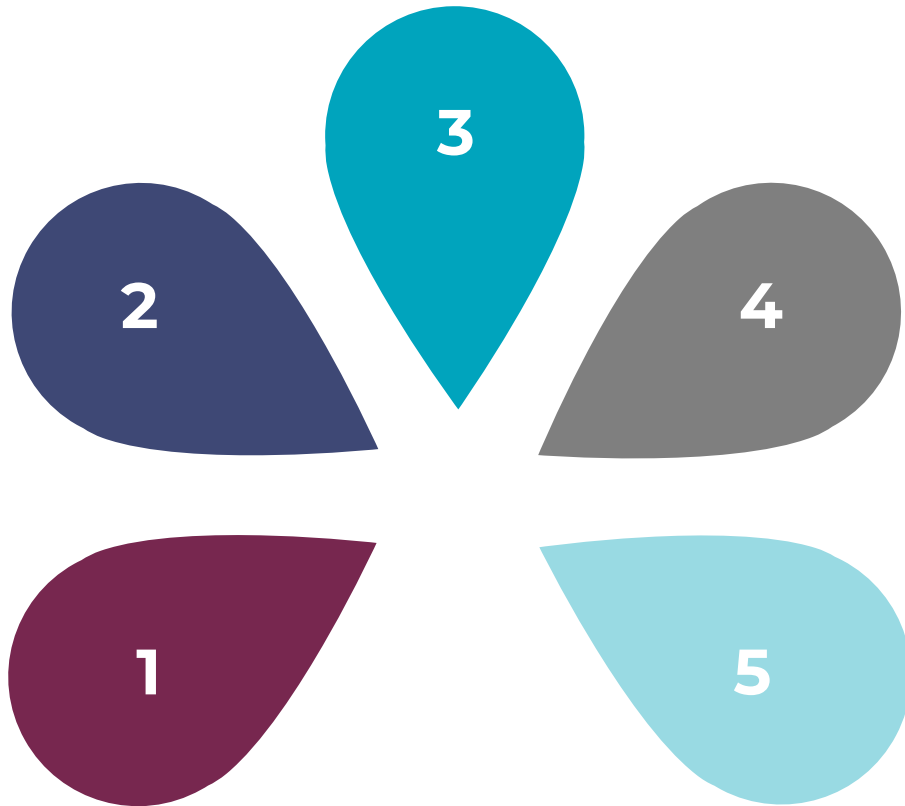
Propose a motion for vote to adopt permanent rules.

Revised Estimated Timeline*



* Subject to Change

Board Awareness: Uniform and Model Rules of Procedure



Statute: ORS 183.341

No rule is valid unless adopted in substantial compliance with the rules adopted pursuant to section (4) of this section.

Purpose

Adopt rules of procedure for administrative rulemaking and other administrative law functions of the Agency.

Board Partnership

Required for rulemaking.

Impact: Fiscal and Racial Equity

During rulemaking, this rule has a small fiscal impact to this agency and associated rulemaking agencies.

Timing and Prioritization

This rule is foundational for all rulemaking. Text in the rule is required and standard across most agencies.

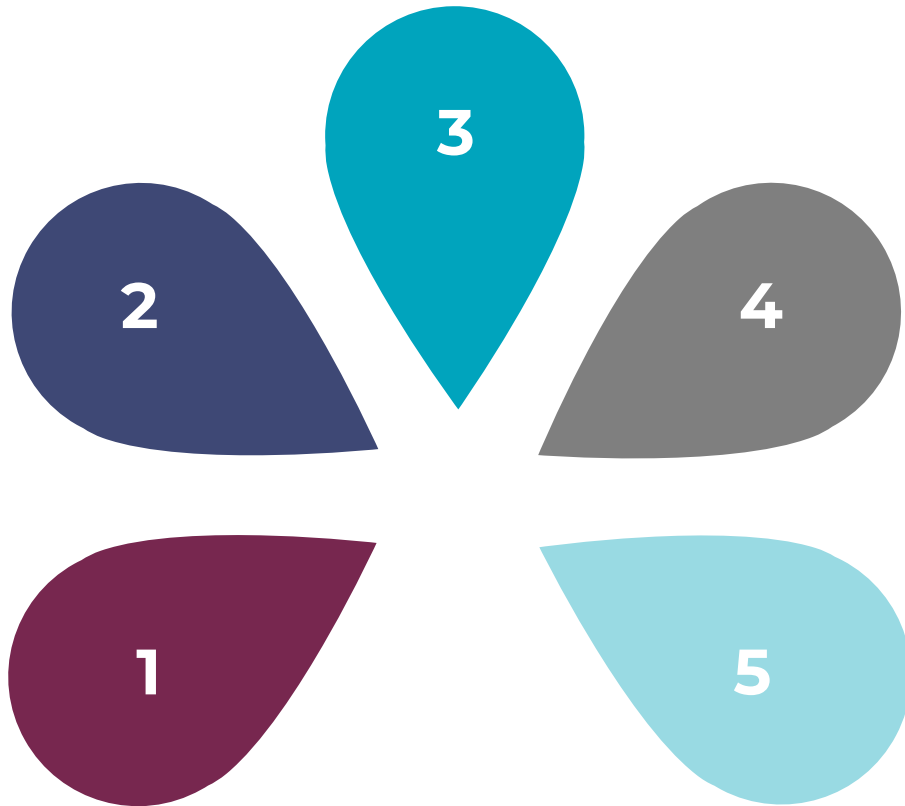
Board Awareness: Uniform and Model Rules of Procedure

Proposed Rule Text

Pursuant to the provisions of ORS 183.341, the Oregon Public Defense Commission adopts the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act, dated 2024, as the rules of procedure for administrative rulemaking and other administrative law functions of the Agency.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Agency.]

Board Awareness: Delegation of Authority



Statute: ORS 151.216

The commission may adopt rules pursuant to ORS chapter 183.

Purpose

To specifically state who in the agency can sign required rulemaking forms that are filed with the Secretary of State (SOS) Archives division.

Board Partnership

Required for rulemaking. Agency recommends including the chair of the Commission.

Impact: Fiscal and Racial Equity

During rulemaking, this rule has a small fiscal impact to this agency and associated rulemaking agencies.

Timing and Prioritization

This rule is foundational. It is necessary to provide guidance to the SOS and other agencies of our process. Text in the rule is standard.

Board Awareness: Delegation of Authority

Proposed Rule Text

Any member or employee of the Commission who is identified on a completed Delegation of Authority form signed by the Executive Director, the Deputy Director, or Chair of the Commission and filed with the Secretary of State, Administrative Rules Unit, is vested with the authority to adopt, amend, repeal, or suspend administrative rules as provided on that form until such delegation is revoked by the Executive Director, the Deputy Director or Chair of the Commission, or the person leaves employment with the Commission.

Questions?

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Administrative Rules

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Website

<https://www.oregon.gov/opdc/general/Pages/Administrative-Rules.aspx>

Oregon Public Defense Commission

2027 POP and Legislative Concept Discussion

April 02, 2026

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BUDGET REALITIES

The Governor's office and CFO has provided direction to agencies for developing 27-29 POPs

Executive Branch Direction

Excerpts from the Governor's office letter to agency heads, 2/10/2026

"...prepare for...no funding [to be] available for program expansions or new programs in 2027-29."

"...policy packages should be net neutral and not require new revenue."

"Understand...not going to reflect overall needs or vision for agency programs."

- > **STABILIZE**
Maintain core programs and services related to the agency's mission
- > **SELF FUND**
Identify ways to self-fund strategic investments
- > **SAVE**
Scrutinize operational efficiencies
- > **EDIT**
Carefully evaluate new spending proposals
- > **PLAN**
Prepare for potential limitations on growth or expansion

Tier 1 Policy Option Packages

These POPs are the continuation of already existing programs.

01

FCMS

As FCMS transitions to go-live, sustained funding will be required into the next biennium to support system stabilization, completion of remaining implementation activities, and continuity of operations. Cost TBD.



Exceed Caseload Program

This would continue the ECP, which allows providers to voluntarily take up to 115% of MAC. The estimated cost would be about \$2.5 million.

02

Tier 2 Policy Option Packages

These are new programs or policies.

PCRCP Study

Conduct a study with an outside organization or university on the impacts of PCRCP on outcomes for children and families, and potential cost savings to the child welfare and court system. Estimated cost: \$250,000.

03

ERD Funding

Request funding for Early Resolution Dockets that could resolve cases more quickly. This would be paired with OPDC's work creating ERD templates, which are easily replicated across courts. Estimated cost: Variable; in 2023 we received \$360k for an ERD in Multnomah.

04

Rate Increases

Providers of all types, including attorneys, investigators, and PAE services, have highlighted the importance of increasing rates. OPDC is working with CFO to determine inflationary increases and what, if any, additional increase would be possible.

05

SPPE

Investigating ways to make SPPE part of the public defense pipeline, including determining how it would be funded and measured. Estimated cost: TBD.

06

Legislative Concepts

If approved, these would become the agency's bills for session.

1

Procurement Exemption

Provide an exemption from the Public Contracting Code for legal services. Contracts would still be subject to legal sufficiency review.

2

PAE Appeal Response

Ensure that OPDC is able to respond to a PAE appeal before a judge before a final order is made.

3

Grant Making Authority

Provide OPDC with the authority to distribute grants.



Thank you.

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